

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

Kelvin Sharod Addison,)	
)	Civil Action No. 1:15-cv-00571-JMC
Plaintiff,)	
)	
v.)	ORDER
)	
Corporal Steven Moore,)	
)	
Defendant.)	
)	

This matter comes before the court for review of the Magistrate Judge’s Report and Recommendation (“Report”), [ECF No. 59], filed on July 15, 2016, recommending that Defendant’s Motion for Summary Judgment, [ECF No. 47], be granted and this case dismissed. Plaintiff, proceeding *pro se*, brought this action seeking relief pursuant to 42 U.S.C. § 1983. [ECF No. 1]. The Report sets forth in detail the relevant facts and legal standards on this matter, and this court incorporates the Magistrate Judge’s recommendation herein without a recitation.

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Matthews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge’s recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The Magistrate Judge advised Plaintiff of his right to file an objection to the Report within fourteen (14) days of the date of service of the Report. [ECF No. 59]. Plaintiff filed no

objections. In the absence of an objection to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Instead, the court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds that the Report provides an accurate summary of the facts and law in the instant matter. The court **ADOPTS** the Magistrate Judge's Report and Recommendation, [ECF No. 59]. It is therefore **ORDERED** that Defendant's Motion for Summary Judgment, [ECF No. 47], be granted and Plaintiff's action, [ECF No. 1], be **DISMISSED** with prejudice.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

August 25, 2016
Columbia, South Carolina